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EXAMINER
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LOHN, JOSHUA A

ART UNIT	PAPER NUMBER
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2184

DATE MAILED: 10/04/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant(s)

09/642,064

Applicant(s)

SCHOENTHAL, SCOTT

Examiner

Joshua A Lohn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-45 and 50-78 are rejected under 35 U.S.C. 102(b) as being anticipated by Woest et al., United States Patent number 5,224,095, published June 29, 1993.

As per claim 1, Woest discloses persistently maintaining at least one event message until at least one intended recipient of the event message confirms delivery of the message, see column 18, lines 33-38, and 44-49. Woest also discloses upon recovery from an error, in this case an out of sync error, replaying the event message, see column 18, lines 47-49. Woest discloses reliably delivering the message to the intended recipient through the repeated transmission attempts and the resynchronization actions, see column 18, lines 30-57.

As per claim 2, Woest discloses receiving the event message by the recipient and generating a confirmation, or acknowledgement, of the event message in response to the event message, see column 20, lines 16-17.

As per claim 3, Woest discloses the event message being provided by an event message producer, or sender, see column 11, lines 27-29.

As per claim 4, Woest discloses recording the event message in an event-indication queue, this is shown in the buffer pool for storing a limited number of messages, see column 15, lines 33-36. Since the buffer pool is an independent element of the network control system it

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would have resources pre-allocated to it for storage of event messages, see column 15, lines 22-36.

As per claim 5, Woest discloses that the recording of the event message in the event-indication queue is reliable even when the event message indicates that the allocation of new resources is unstable. This is taught in that the messages correspond to issues in the application modules, see column 15, lines 39-41, and issues in the application modules would have no effect on the reliability of the event-indication queue, or buffer pool, which is an independent element of the node.

As per claim 6, Woest discloses persistently maintaining at least one event message during a duration when delivery of the event message is not yet feasible. This is shown in the duration of time during reset when message transmission is suspended until the resynchronization is complete, see column 18, lines 49-51.

As per claim 7, Woest also discloses upon termination of the duration, or when the resynchronization is complete, replaying the event message, see column 18, lines 48-49. Woest discloses reliably delivering the message to the intended recipient through the repeated transmission attempts and the resynchronization actions, see column 18, lines 30-57.

As per claim 8, Woest discloses the duration as being an initialization time for the resetting of the nodes, see column 18, lines 49-51.

As per claim 9, Woest discloses the event message being recorded in persistent memory. This is shown in the fact that the messages are maintained even during a reset, see column 18, lines 44-51.

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As per claim 10, Woest discloses delivering a message to a recipient, see column 14, lines 52-54. Woest also discloses receiving a confirmation of the delivery, in the form of an acknowledgement, see column 16, lines 64-65. Woest finally discloses removing the event message from persistent memory in response to the confirmation, see column 40, lines 53-54.

As per claim 11, Woest discloses persistently maintaining at least one event message during a duration when delivery of the event message is not yet feasible. This is shown in the duration of time during reset when message transmission is suspended until the resynchronization is complete, see column 18, lines 49-51. Woest also discloses upon termination of the duration, or when the resynchronization is complete, replaying the event message, see column 18, lines 48-49. Woest discloses reliably delivering the message to the intended recipient through the repeated transmission attempts and the resynchronization actions, see column 18, lines 30-57.

As per claim 12, Woest discloses the duration as being an initialization time for the resetting of the nodes, see column 18, lines 49-51.

As per claim 13, Woest discloses the event message being provided by an event message producer, or sender, see column 11, lines 27-29.

As per claim 14, Woest discloses persistently maintaining an event message, as mentioned above. This message is maintained until a recipient of the message confirms the delivery, see column 40, lines 53-54.

As per claim 15, Woest also discloses upon recovery from an error, in this case an out of sync error, replaying the event message, see column 18, lines 47-49. Woest discloses reliably

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delivering the message to the intended recipient through the repeated transmission attempts and the resynchronization actions, see column 18, lines 30-57.

As per claim 16, Woest discloses recording the event message in an event-indication queue, this is shown in the buffer pool for storing a limited number of messages, see column 15, lines 33-36. Since the buffer pool is an independent element of the network control system it would have resources pre-allocated to it for storage of event messages, see column 15, lines 22-36.

As per claim 17, Woest discloses that the recording of the event message in the event-indication queue is reliable even when the event message indicates that the allocation of new resources is unstable. This is taught in that the messages correspond to issues in the application modules, see column 15, lines 39-41, and issues in the application modules would have no effect on the reliability of the event-indication queue, or buffer pool, which is an independent element of the node.

As per claim 18, Woest discloses the event message being recorded in persistent memory. This is shown in the fact that the messages are maintained even during a reset, see column 18, lines 44-51.

As per claim 19, Woest discloses delivering a message to a recipient, see column 14, lines 52-54. Woest also discloses receiving a confirmation of the delivery, in the form of an acknowledgement, see column 16, lines 64-65. Woest finally discloses removing the event message from persistent memory in response to the confirmation, see column 40, lines 53-54.

As per claim 20, Woest discloses receiving the event message by the recipient and generating a confirmation, or acknowledgement, of the event message in response to the event message, see column 20, lines 16-17.

As per claim 21, Woest discloses maintaining at least one event message in a plurality of memory locations that are accessible by both a first server device and a second server device. This is taught in the nodes, which act as servers and are connected to each other, see figure 1. Each node has a buffer pool storage, see figure 3. This storage is used when receiving and transmitting messages, see column 15, lines 33-36, and the servers have access to each others buffer pool through the data bus, see column 10, lines 54-56. In the event of an error, Woest discloses replaying the event message, which is being transmitted between server nodes, see column 18, lines 48-49. Woest discloses reliably delivering the message to the intended recipient through the repeated transmission attempts and the resynchronization actions, see column 18, lines 30-57.

As per claim 22, Woest discloses the event message being provided by an event message producer, or sender, see column 11, lines 27-29.

As per claim 23, Woest discloses persistently maintaining at least one event message during a duration when delivery of the event message is not yet feasible. This is shown in the duration of time during reset when message transmission is suspended until the resynchronization is complete, see column 18, lines 49-51.

As per claim 24, Woest also discloses upon termination of the duration, or when the resynchronization is complete, replaying the event message, see column 18, lines 48-49. Woest

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discloses reliably delivering the message to the intended recipient through the repeated transmission attempts and the resynchronization actions, see column 18, lines 30-57.

As per claim 25, Woest discloses the duration as being an initialization time for the resetting of the nodes, see column 18, lines 49-51.

As per claim 26, Woest discloses the event message being provided by an event message producer, or sender, see column 11, lines 27-29.

As per claim 27, Woest discloses persistently maintaining at least one event message until at least one intended recipient of the event message confirms delivery of the message, see column 18, lines 33-38, and 44-49.

As per claim 28, Woest discloses recording the event message in an event-indication queue, this is shown in the buffer pool for storing a limited number of messages, see column 15, lines 33-36. Since the buffer pool is an independent element of the network control system it would have resources pre-allocated to it for storage of event messages, see column 15, lines 22-36.

As per claim 29, Woest discloses that the recording of the event message in the event-indication queue is reliable even when the event message indicates that the allocation of new resources is unstable. This is taught in that the messages correspond to issues in the application modules, see column 15, lines 39-41, and issues in the application modules would have no effect on the reliability of the event-indication queue, or buffer pool, which is an independent element of the node.

As per claim 30, Woest discloses the event message being recorded in persistent memory. This is shown in the fact that the messages are maintained even during a reset, see column 18, lines 44-51.

As per claim 31, Woest discloses delivering a message to a recipient, see column 14, lines 52-54. Woest also discloses receiving a confirmation of the delivery, in the form of an acknowledgement, see column 16, lines 64-65. Woest finally discloses removing the event message from persistent memory in response to the confirmation, see column 40, lines 53-54.

As per claim 32, Woest discloses receiving the event message by the recipient and generating a confirmation, or acknowledgement, of the event message in response to the event message, see column 20, lines 16-17.

As per claim 33, Woest discloses delivering at least one event message to a multiplexing recipient using the sliding window protocol, see column 11, lines 18-26. Woest also discloses maintaining the event message at the multiplexing recipient in the buffer pool, see column 18, lines 33-49. Woest discloses reliably delivering the event message from the multiplexing recipient to at least one intended recipient of the event message, as is accomplished by repeating transmission attempts as necessary, see column 18, lines 30-57.

As per claim 34, Woest discloses receiving the event message by the recipient and generating a confirmation, or acknowledgement, of the event message in response to the event message, see column 20, lines 16-17.

As per claim 35, Woest discloses the event message being provided by an event message producer, or sender, see column 11, lines 27-29.

As per claim 36, Woest discloses maintaining the event message at the multiplexing recipient in the buffer pool, see column 18, lines 33-49. Woest also discloses upon recovery from an error, in this case an out of sync error, replaying the event message, see column 18, lines 47-49. Woest discloses reliably delivering the message to the intended recipient through the repeated transmission attempts and the resynchronization actions, see column 18, lines 30-57.

As per claim 37, Woest discloses recording the event message in an event-indication queue, this is shown in the buffer pool for storing a limited number of messages, see column 15, lines 33-36. Since the buffer pool is an independent element of the network control system it would have resources pre-allocated to it for storage of event messages, see column 15, lines 22-36.

As per claim 38, Woest discloses that the recording of the event message in the event-indication queue is reliable even when the event message indicates that the allocation of new resources is unstable. This is taught in that the messages correspond to issues in the application modules, see column 15, lines 39-41, and issues in the application modules would have no effect on the reliability of the event-indication queue, or buffer pool, which is an independent element of the node.

As per claim 39, Woest discloses the event message being recorded in persistent memory. This is shown in the fact that the messages are maintained even during a reset, see column 18, lines 44-51.

As per claim 40, Woest discloses delivering a message to a recipient, see column 14, lines 52-54. Woest also discloses receiving a confirmation of the delivery, in the form of an

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acknowledgement, see column 16, lines 64-65. Woest finally discloses removing the event message from persistent memory in response to the confirmation, see column 40, lines 53-54.

As per claim 41, Woest discloses persistently maintaining at least one event message until at least one intended recipient of the event message confirms delivery of the message, see column 18, lines 33-38, and 44-49. Woest also discloses receiving the event message by the recipient and generating a confirmation, or acknowledgement, of the event message in response to the event message, see column 20, lines 16-17

As per claim 42, Woest discloses recording the event message in an event-indication queue, this is shown in the buffer pool for storing a limited number of messages, see column 15, lines 33-36. Since the buffer pool is an independent element of the network control system it would have resources pre-allocated to it for storage of event messages, see column 15, lines 22-36.

As per claim 43, Woest discloses that the recording of the event message in the event-indication queue is reliable even when the event message indicates that the allocation of new resources is unstable. This is taught in that the messages correspond to issues in the application modules, see column 15, lines 39-41, and issues in the application modules would have no effect on the reliability of the event-indication queue, or buffer pool, which is an independent element of the node.

As per claim 44, Woest discloses the event message being recorded in persistent memory. This is shown in the fact that the messages are maintained even during a reset, see column 18, lines 44-51.

As per claim 45, Woest discloses delivering a message to a recipient, see column 14, lines 52-54. Woest also discloses receiving a confirmation of the delivery, in the form of an acknowledgement, see column 16, lines 64-65. Woest finally discloses removing the event message from persistent memory in response to the confirmation, see column 40, lines 53-54.

As per claim 50, Woest discloses a data link stage apparatus capable of persistently maintaining at least one event message until at least one intended recipient of the event message confirms delivery of the message, see column 18, lines 33-38, and 44-49. Woest also discloses upon recovery from an error, in this case an out of sync error, replaying the event message, see column 18, lines 47-49.

As per claim 51, Woest discloses receiving the event message by the recipient and generating a confirmation, or acknowledgement, of the event message in response to the event message, see column 20, lines 16-17.

As per claim 52, Woest discloses recording the event message in an event-indication queue, this is shown in the buffer pool for storing a limited number of messages, see column 15, lines 33-36. Since the buffer pool is an independent element of the network control system it would have resources pre-allocated to it for storage of event messages, see column 15, lines 22-36.

As per claim 53, Woest discloses that the recording of the event message in the event-indication queue is reliable even when the event message indicates that the allocation of new resources is unstable. This is taught in that the messages correspond to issues in the application modules, see column 15, lines 39-41, and issues in the application modules would have no effect

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on the reliability of the event-indication queue, or buffer pool, which is an independent element of the node.

As per claim 54, Woest discloses persistently maintaining at least one event message during a duration when delivery of the event message is not yet feasible. This is shown in the duration of time during reset when message transmission is suspended until the resynchronization is complete, see column 18, lines 49-51.

As per claim 55, Woest also discloses upon termination of the duration, or when the resynchronization is complete, replaying the event message, see column 18, lines 48-49. Woest discloses reliably delivering the message to the intended recipient through the repeated transmission attempts and the resynchronization actions, see column 18, lines 30-57.

As per claim 56, Woest discloses the duration as being an initialization time for the resetting of the nodes, see column 18, lines 49-51.

As per claim 57, Woest discloses the event message being recorded in persistent memory. This is shown in the fact that the messages are maintained even during a reset, see column 18, lines 44-51.

As per claim 58, Woest discloses delivering a message to a recipient, see column 14, lines 52-54. Woest also discloses receiving a confirmation of the delivery, in the form of an acknowledgement, see column 16, lines 64-65. Woest finally discloses removing the event message from persistent memory in response to the confirmation, see column 40, lines 53-54.

As per claim 59, Woest discloses a data link stage apparatus capable of persistently maintaining at least one event message during a duration when delivery of the event message is

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not yet feasible. This is shown in the duration of time during reset when message transmission is suspended until the resynchronization is complete, see column 18, lines 49-51. Woest also discloses upon termination of the duration, or when the resynchronization is complete, replaying the event message, see column 18, lines 48-49.

As per claim 60, Woest discloses the duration as being an initialization time for the resetting of the nodes, see column 18, lines 49-51.

As per claim 61, Woest discloses persistently maintaining at least one event message until at least one intended recipient of the event message confirms delivery of the message, see column 18, lines 33-38, and 44-49.

As per claim 62, Woest discloses upon recovery from an error, in this case an out of sync error, replaying the event message, see column 18, lines 47-49.

As per claim 63, Woest discloses recording the event message in an event-indication queue, this is shown in the buffer pool for storing a limited number of messages, see column 15, lines 33-36. Since the buffer pool is an independent element of the network control system it would have resources pre-allocated to it for storage of event messages, see column 15, lines 22-36.

As per claim 64, Woest discloses that the recording of the event message in the event-indication queue is reliable even when the event message indicates that the allocation of new resources is unstable. This is taught in that the messages correspond to issues in the application modules, see column 15, lines 39-41, and issues in the application modules would have no effect on the reliability of the event-indication queue, or buffer pool, which is an independent element of the node.

As per claim 65, Woest discloses the event message being recorded in persistent memory. This is shown in the fact that the messages are maintained even during a reset, see column 18, lines 44-51.

As per claim 66, Woest discloses delivering a message to a recipient, see column 14, lines 52-54. Woest also discloses receiving a confirmation of the delivery, in the form of an acknowledgement, see column 16, lines 64-65. Woest finally discloses removing the event message from persistent memory in response to the confirmation, see column 40, lines 53-54.

As per claim 67, Woest discloses receiving the event message by the recipient and generating a confirmation, or acknowledgement, of the event message in response to the event message, see column 20, lines 16-17.

As per claim 68, Woest discloses a data link stage apparatus capable of maintaining at least one event message in a plurality of memory locations that are accessible by both a first server device and a second server device. This is taught in the nodes, which act as servers and are connected to each other, see figure 1. Each node has a buffer pool storage, see figure 3. This storage is used when receiving and transmitting messages, see column 15, lines 33-36, and the servers have access to each others buffer pool through the data bus, see column 10, lines 54-56. In the event of an error, Woest discloses replaying the event message, which is being transmitted between server nodes, see column 18, lines 48-49.

As per claim 69, Woest discloses a network communication apparatus for delivering at least one event message to a multiplexing recipient using the sliding window protocol, see

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column 11, lines 18-26. Woest also discloses maintaining the event message at the multiplexing recipient in the buffer pool, see column 18, lines 33-49. Woest discloses reliably delivering the event message from the multiplexing recipient to at least one intended recipient of the event message, as is accomplished by repeating transmission attempts as necessary, see column 18, lines 30-57

As per claim 70, Woest discloses receiving the event message by the recipient and generating a confirmation, or acknowledgement, of the event message in response to the event message, see column 20, lines 16-17.

As per claim 71, Woest discloses a memory that includes a persistent record of at least one event message until at least one intended recipient of the event message confirms delivery of the message, see column 18, lines 33-38, and 44-49, where the message is recorded in the storage of the data link stage. Woest also discloses upon recovery from an error, in this case an out of sync error, replaying the event message, see column 18, lines 47-49.

As per claim 72, Woest discloses persistently maintaining at least one event message during a duration when delivery of the event message is not yet feasible. This is shown in the duration of time during reset when message transmission is suspended until the resynchronization is complete, see column 18, lines 49-51.

As per claim 73, Woest discloses maintaining at least one event message in a plurality of memory locations that are accessible by both a first server device and a second server device. This is taught in the nodes, which act as servers and are connected to each other, see figure 1. Each node has a buffer pool storage, see figure 3. This storage is used when receiving and

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transmitting messages, see column 15, lines 33-36, and the servers have access to each others buffer pool through the data bus, see column 10, lines 54-56. In the event of an error, Woest discloses replaying the event message, which is being transmitted between server nodes, see column 18, lines 48-49.

As per claim 74, Woest discloses delivering at least one event message to a multiplexing recipient using the sliding window protocol, see column 11, lines 18-26. Woest also discloses maintaining a persistent record of the event message in the buffer pool of the multiplexing recipient, see column 18, lines 33-49. Woest teaches of using this record to reliably deliver the event message to the desired recipient, see column 18, lines 47-49.

As per claim 75, Woest discloses a memory, in the apparatus of the data link stage, that includes a persistent record of at least one event message until at least one intended recipient of the event message confirms delivery of the message, see column 18, lines 33-38, and 44-49, where the message is recorded in the storage of the data link stage. Woest also discloses upon recovery from an error, in this case an out of sync error, replaying the event message, see column 18, lines 47-49.

As per claim 76, Woest discloses persistently maintaining at least one event message during a duration when delivery of the event message is not yet feasible. This is shown in the duration of time during reset when message transmission is suspended until the resynchronization is complete, see column 18, lines 49-51.

As per claim 77, Woest discloses maintaining at least one event message in a plurality of memory locations that are accessible by both a first server device and a second server device. This is taught in the nodes, which act as servers and are connected to each other, see figure 1. Each node has a buffer pool storage, see figure 3. This storage is used when receiving and transmitting messages, see column 15, lines 33-36, and the servers have access to each others buffer pool through the data bus, see column 10, lines 54-56. In the event of an error, Woest discloses replaying the event message, which is being transmitted between server nodes, see column 18, lines 48-49.

As per claim 78, Woest discloses delivering at least one event message to a multiplexing recipient using the sliding window protocol, see column 11, lines 18-26. Woest also discloses maintaining a persistent record of the event message in the buffer pool of the multiplexing recipient, see column 18, lines 33-49. Woest teaches of using this record to reliably deliver the event message to the desired recipient, see column 18, lines 47-49.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woest et al., United States Patent number 5,224,095, published June 29, 1993.

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As per claim 46, Woest discloses persistently maintaining at least one event message until at least one intended recipient of the event message confirms delivery of the message, see column 18, lines 33-38, and 44-49. Woest also discloses upon recovery from an error, in this case an out of sync error, replaying the event message, see column 18, lines 47-49. Woest discloses reliably delivering the message to the intended recipient through the repeated transmission attempts and the resynchronization actions, see column 18, lines 30-57. Woest does not teach of implementing these methods as software instructions.

It would have been obvious at the time the invention was made to implement these methods in software.

This would have been obvious because the control system of Woest is for use in the transmission and receiving of messages, as well as control and supervisory functions for the network, see column 1, lines 5-15. A software implementation of the handling of these activities would mean that new or different kinds of messages or controls could be implemented by changing existing code, without needing to replace costly hardware.

As per claim 47, Woest discloses persistently maintaining at least one event message during a duration when delivery of the event message is not yet feasible. This is shown in the duration of time during reset when message transmission is suspended until the resynchronization is complete, see column 18, lines 49-51.

As per claim 48, Woest discloses maintaining at least one event message in a plurality of memory locations that are accessible by both a first server device and a second server device. This is taught in the nodes, which act as servers and are connected to each other, see figure 1.

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Each node has a buffer pool storage, see figure 3. This storage is used when receiving and transmitting messages, see column 15, lines 33-36, and the servers have access to each others buffer pool through the data bus, see column 10, lines 54-56. In the event of an error, Woest discloses replaying the event message, which is being transmitted between server nodes, see column 18, lines 48-49. Woest discloses reliably delivering the message to the intended recipient through the repeated transmission attempts and the resynchronization actions, see column 18, lines 30-57. Woest does not teach of implementing these methods as software instructions.

It would have been obvious at the time the invention was made to implement these methods in software.

This would have been obvious because the control system of Woest is for use in the transmission and receiving of messages, as well as control and supervisory functions for the network, see column 1, lines 5-15. A software implementation of the handling of these activities would mean that new or different kinds of messages or controls could be implemented by changing existing code, without needing to replace costly hardware.

As per claim 49, Woest discloses delivering at least one event message to a multiplexing recipient using the sliding window protocol, see column 11, lines 18-26. Woest also discloses maintaining the event message at the multiplexing recipient in the buffer pool, see column 18, lines 33-49. Woest discloses reliably delivering the event message from the multiplexing recipient to at least one intended recipient of the event message, as is accomplished by repeating

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transmission attempts as necessary, see column 18, lines 30-57. Woest does not teach of implementing these methods as software instructions.

It would have been obvious at the time the invention was made to implement these methods in software.

This would have been obvious because the control system of Woest is for use in the transmission and receiving of messages, as well as control and supervisory functions for the network, see column 1, lines 5-15. A software implementation of the handling of these activities would mean that new or different kinds of messages or controls could be implemented by changing existing code, without needing to replace costly hardware.

### *Conclusion*


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is listed on from PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua A Lohn whose telephone number is (703) 305-3188. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoleil can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JAL

  
**SCOTT BADERMAN**  
**PRIMARY EXAMINER**